

VZCZCXR07992

OO RUEHBI RUEHCI RUEHDBU RUEHLH RUEHPW
DE RUEHNE #0395/01 0621337

ZNY SSSS ZZH

O 031337Z MAR 09

FM AMEMBASSY NEW DELHI

TO RUEHC/SECSTATE WASHDC IMMEDIATE 5586

INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE IMMEDIATE

RUEHAM/AMEMBASSY AMMAN IMMEDIATE 0493

RUEHBK/AMEMBASSY BANGKOK IMMEDIATE 7225

RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 7421

RUEHRL/AMEMBASSY BERLIN IMMEDIATE 1166

RUEHBY/AMEMBASSY CANBERRA IMMEDIATE 1446

RUEHKL/AMEMBASSY KUALA LUMPUR IMMEDIATE 0894

RUEHLO/AMEMBASSY LONDON IMMEDIATE 6018

RUEHME/AMEMBASSY MEXICO IMMEDIATE 0392

RUEHMO/AMEMBASSY MOSCOW IMMEDIATE 3149

RUEHNC/AMEMBASSY NICOSIA IMMEDIATE 0861

RUEHOT/AMEMBASSY OTTAWA IMMEDIATE 0795

RUEHFR/AMEMBASSY PARIS IMMEDIATE 1536

RUEHPL/AMEMBASSY PORT LOUIS IMMEDIATE 0067

RUEHRO/AMEMBASSY ROME IMMEDIATE 1381

RUEHGP/AMEMBASSY SINGAPORE IMMEDIATE 2294

RUEHTV/AMEMBASSY TEL AVIV IMMEDIATE 0665

RUEHTC/AMEMBASSY THE HAGUE IMMEDIATE 0607

RUEHKO/AMEMBASSY TOKYO IMMEDIATE 6126

RUEHGV/USMISSION GENEVA IMMEDIATE 8157

RHEHAAA/WHITE HOUSE WASHDC IMMEDIATE

RHEFDIA/DIA WASHDC IMMEDIATE

RUEIDN/DNI WASHINGTON DC IMMEDIATE

RHHMUNA/HQ USPACOM HONOLULU HI IMMEDIATE

RUEKJCS/Joint STAFF WASHDC IMMEDIATE

RHEHNSC/NSC WASHDC IMMEDIATE

RUEAIIA/CIA WASHDC IMMEDIATE

RHMFISS/HQ USCENTCOM MACDILL AFB FL IMMEDIATE

RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 7676

S E C R E T SECTION 01 OF 02 NEW DELHI 000395

SIPDIS

E.O. 12958: DECL: 03/02/2019

TAGS: PGOV PREL PTER PK IN

SUBJECT: MUMBAI ATTACKS: GOI CHARGESHEET POINTS TO PAKISTAN

Classified By: Acting Political Counselor Lesslie Viguerie. Reasons 1.
4 (B, D)

1.(U) Summary: On February 25, the media reported the Mumbai Police filed an 11,200 page chargesheet in the Mumbai attacks case with a magistrate's court. An English language summary of the original chargesheet, which is in the Marathi language, is a first glance at the evidence in the case. The summary document, which was recently obtained from the Mumbai police, describes the charges against 47 suspects alleged to be involved in the 11/26 Mumbai attacks, including nine individuals who died during the attack and 35 who remain at large. Three suspects are in custody. Faheem Ansari and Sabuuddin Ahmed, Indian nationals, appeared in the Mumbai court on February 25. Mohammed Ajmal Kasab, the sole surviving terrorist suspect directly involved in the attacks, was not produced in court due to security concerns. End Summary.

Chargesheet Summary

2.(U) The chargesheet provides information on the 47 men involved in the attack and details each phase of the attack from training to execution. A chargesheet in the Indian criminal justice system is a final report by a law enforcement officer to a magistrate that demonstrates that as a result of an investigation there is sufficient evidence that crimes have been committed. It opens the way for a criminal prosecution. The chargesheet in the Mumbai case describes the movements of the accused terrorists beginning with the assistance provided by two Indian nationals, including the manner in which they provided valuable reconnaissance information on the targets. It states that

the ten terrorists formed two-person "buddy pairs" which then departed for various locations throughout Mumbai and describes how each team methodically proceeded through the city, the specific locations they sought, the particular groups they targeted, and the number of victims killed and injured. The chargesheet also includes information on the information and evidence the police have collected, including electronic devices, mobile communications, the DNA of the terrorists and the explosives, weaponry and aliases they used. It details the analysis of technical evidence by law enforcement authorities. Law enforcement authorities allege that the terrorist suspects carried out a misinformation campaign to "confuse the investigation agencies and to mislead the public." The suspects were cited for violating 25 Indian laws including: encouraging, instigating and waging war against the Government of India (GOI), hatching a conspiracy to wage war against the GOI and collecting arms to wage a war against the GOI.

Making the Pakistan Connection

3.(U) The report pointedly details the links between Pakistan and the suspects. The chargesheet cites records showing that calls made on the five mobile phones used by the terrorists suspects were to Pakistan during the attack. The report also purports that the mobile phones were purchased in Pakistan and the motor for the dingy the terrorists used to land in Mumbai was bought by a Pakistani company from the

NEW DELHI 00000395 002 OF 002

original Japanese firm. The report recites that the phone numbers of the mobile phones were connected to a Voice-Over-Internet-Protocol account provider CALLPHONEX based in New Jersey. Indian police allege that the payments for this CALLPHONEX account were made by individuals located in Pakistan. Additionally, the chargesheet notes that while communicating with CALLPHONEX terrorist suspect Kharack Singh, who initially set up the account with CALLPHONEX, used email address kharack.telco@yahoo.com. This email address was accessed by 10 different IP addresses, 5 of which where located in Pakistan. Authorities claim that an email sent to India TV News was sent by the same person in Pakistan who was communicating with CALLPHONEX via kharack.telco@yahoo.com. Five GPS units were also recovered after the attack. One of the units revealed data showing the longitude and latitude of the route allegedly taken by the suspects from Karachi to Mumbai. Additionally, one of the devices recovered from the Taj Hotel had a track back list that showed 50 places in Karachi at which the device had been located.

The Indian Media Speculates

4.(U) The Indian press has reported two of the 35 Pakistanis still at large, Col. R. Sadatullah and Major General Sahib, may have connections with the Pakistan military. This speculation stems from the military rank designations used during mobile phone conversations between the suspects and their Pakistani handlers. Additionally, the press reported two email addresses registered to Sadatullah link him to both the Mumbai attacks and Pakistan's military. Joint Commissioner of Mumbai Police (Crime) Rakesh Maria stated during a press conference that they "do not know whether they are from the Pakistan military or they are alternative names of LeT operatives". (Note: LeT stands for Lashkar-e-Taiba, a terrorist group. End Note.) Maria also added that thus far there is no evidence pointing to the direct involvement of Pakistan's Inter-service Intelligence agency.

Comment

5.(S) The filing of the chargesheet is the first step in what

is likely to be a lengthy process of criminally prosecuting the suspects in the Mumbai case. As a result of its involvement in the investigation of the Mumbai case, the FBI has received a request under the bilateral Mutual Legal Assistance Treaty to testify at trial. Legatt confirmed the FBI is still consulting with the Indian Intelligence Bureau and Mumbai police to work out the details of the FBI providing evidence. The GOI indicated that it will respond to the Pakistani request for information ("the 30 questions") for Islamabad's parallel investigation into the Mumbai attacks after the chargesheet has been filed.

WHITE